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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	2:14-cr-00062-HDM-GWF
)	
Respondent/Plaintiff,)	
)	ORDER
vs.)	
)	
ENRIQUE MURILLO ZARATE,)	
)	
Petitioner/Defendant.)	
_____)	

On March 6, 2017, the defendant Enrique Murillo Zarate ("Zarate") filed a motion for leave to file a late motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255. (ECF No. 49). Zarate asserts that he was sentenced in October of 2015 and that while drafting his § 2255 motion, he was placed in a secured housing unit in August of 2016. Subsequently, Zarate states he was transferred to Victorville for two weeks and then transferred to his present location, Mendota, California. While Zarate was being transported he learned that his legal papers had been destroyed by the U.S. Marshals Service. Zarate learned this information on November 4, 2016. On November 15, 2016, Zarate attempted to file a motion to file a late § 2255 motion, but filed it in a different case, 2:14-cr-00098-JCM-

1 PAL. On February 9, 2017, Zarate again filed his motion in the
2 incorrect case, 2:14-cr-00098-JCM-PAL. Zarate thus argues that he was
3 prevented from timely filing his motion to vacate, set aside or
4 correct sentence pursuant to 28 U.S.C. § 2255.

5 The court ordered the government to file a response to Zarate's
6 motion on or before April 28, 2017. (ECF No. 50). No objection has
7 been filed to Zarate's motion for leave to file a late motion to
8 vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255.

9 Accordingly, Zarate's motion for leave to file a late motion to
10 vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255
11 (ECF No. 49) is granted. Zarate shall file his motion on or before
12 July 24, 2017. Zarate's request seeking the status of the court's
13 order of March 15, 2017 (ECF No. 52) is denied as moot.

14 IT IS SO ORDERED.

15 DATED: This 24th day of May, 2017.

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17 UNITED STATES DISTRICT JUDGE
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